

DRAFT 4-22-05

DOCUMENTATION OF DRAFT QUESTIONS FROM DISCUSSION WITH ECOLOGY ON 3/15/05

Waiting for feedback from Ecology

NOTE: QUESTION 5 WAS NOT DISCUSSED AT THAT MEETING – HAS ALREADY BEEN INCORPORATED INTO DRAFT GUIDANCE DOCUMENT (PART OF MOU UPDATE)

The following questions associated with Health approvals have been raised relating to MWL - Section 5(2). Health's initial suggested responses are in italics. Feedback on these questions has been requested of Ecology.

1. What is the definition of “service area” referenced in MWL - Section 5(2)?
The service area referred to in Section 5(2) will be defined by the purveyor within an approved Water System Plan or Small Water System Management Program. The service area will represent the utility's water right place of use if the service area is 1) in compliance with the terms of the Water System Plan or Small Water System Management Program and 2) if the consistency requirements of this section are met.
2. At what point will “in compliance with the terms of the Water System Plan or Small Water System Management Program” referenced in MWL – Section 5(2) be determined and who will make that determination?
Health will make a determination of “in compliance” (if “in compliance” is the appropriate determination) at the time of Water System Plan or Small Water System Management Program approval.
3. What elements of a Water System Plan or Small Water System Management Program will be considered in Health's determination of “in compliance” for the purpose of MWL - Section 5(2)?
 - *Plan approval date*
 - *Water use efficiency requirements (state level/based on DOH implementation plan)*
 - *Evaluation of reclaimed water for > 1000 connections*
 - *Identification of service area*
 - *Completed Self assessment*
4. How will “not inconsistent” with adopted comprehensive plans, land use plans or development regulations as it relates to the MWL – Section 5(2) be determined in the Water System Plan and Small Water System Management Program approval processes?
If the utility desires the place of use benefit from Section 5(2), the purveyor will include an evaluation and determination of “not inconsistent” within the Water System Plan or Small Water System Management Program. This piece does not relate to the consistency requirements of Section 8 (which requires Health to ensure consistency within a utility's retail service area).
5. How will “not inconsistent” with watershed plans approved under chapter 90.82 or adopted under 90.54.040(1) as it relates to the MWL – Section 5(2) be determined in the Water System Plan and Small Water System Management Program approval processes?
Ecology will make a determination of “not inconsistent” (if appropriate) during its review of the Water System Plan or Small Water System Management Program. If no determination is made by Ecology, it will be considered “not inconsistent”. In unusually sensitive circumstances, if Ecology does not comment, then ODW should take extra measures to get comments from Ecology as well as seek further input from the water system.
6. What are the effects to a utility of failing to meet the Water System Plan or Small Water System Management Program service area compliance or consistency requirements found in the MWL – Section 5(2)?
If, upon Health's approval of a Water System Plan or Small Water System Management Program, it is determined that the compliance or consistency requirements of MWL – Section 5(2) have not been met, Ecology will notify the utility that it does not qualify for an expanded place of use under RCW 90.03.386(2) and cc Health.